

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:16-CV-060-DCK**

| | | |
|---------------------------|---|---------------------|
| JERRY D. WHISNANT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| CAROLYN W. COLVIN, |) | |
| |) | |
| Defendant. |) | |
| |) | |

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Motion For Attorney Fees

Under § 406(b) Of The Social Security Act” (Document No. 17) filed May 16, 2018. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, and noting that Defendant does not oppose this request, the undersigned will grant the motion. See (Document No. 18).

IT IS, THEREFORE, ORDERED that “Plaintiff’s Motion For Attorney Fees Under § 406(b) Of The Social Security Act” (Document No. 17) is **GRANTED** to the extent that the Court will award attorney fees in the amount of \$13,661.00, and that pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff’s counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the Government will exercise

its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Plaintiff's counsel shall reimburse the EAJA fee of \$4,900.00 to Plaintiff.

SO ORDERED.

Signed: June 4, 2018



David C. Keesler
United States Magistrate Judge

